

**SUMMARY REPORT OF INVESTIGATION<sup>1</sup>****I. EXECUTIVE SUMMARY**

Date of Incident:	July 30, 2015
Time of Incident:	9:00 am
Location of Incident:	XXXX W 113 <sup>th</sup> Place
Date of COPA Notification:	July 30, 2015
Time of COPA Notification:	7:56 pm

On July 30, 2015, an arrest warrant was issued for Officer A for threatening Complainant Subject 1. Subject 1 is Officer A's former domestic partner. A misdemeanor complaint alleged that Officer A's actions and words put Subject 1 in reasonable apprehension of receiving a battery. Officer A turned himself in. An Emergency Order of Protection was issued on the same day as the warrant. The case was dismissed on August 25, 2015.<sup>2</sup>

**II. INVOLVED PARTIES**

Involved Officer #1:	Officer A Star # XXXXX / Employee #XXXXX Date of Appointment: XXX, 2009 PO / Unit: XXX DOB: XXX, 1969 Male / Black
Subject #1:	Subject 1 DOB: XXX, 1972 Female / Black

**III. ALLEGATIONS**

<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

<sup>2</sup> Officer A was stripped of his police powers on the day of his arrest. On September 2, 2015, IPRA recommended to the Superintendent of Police that he reevaluate Officer A's assignment to determine whether restoration of police powers was appropriate; on September 3, Officer A's police powers were restored. *See* Atts. 7 (imposing duty restrictions); 29 (recommending reevaluation); and 30 (restoring police powers).

<b>Officer</b>	<b>Allegation</b>	<b>Finding</b>
Officer A	<p>1. On an unknown date, time, and location in June 2011, it is alleged that Officer A pushed Complainant Subject 1 and caused her to fall down a flight of stairs, in violation of Rules 1, 2, 8, &amp; 9.</p> <p>2. On August 11, 2012, at an unknown time at XXXX W. 113<sup>th</sup> place, it is alleged that Officer A grabbed, pulled by the hair, and choked Complainant Subject 1, in violation of Rules 1, 2, 8, &amp; 9.</p> <p>3. On October 20, 2013, at approximately 3:45 am at XXXX W. 113<sup>th</sup> Place, it is alleged that Officer A waved his gun in the direction of family members and threatened to commit suicide, in violation of Rules 2 &amp; 38.</p> <p>4. On January 5, 2014, at approximately 1:45 pm at XXXX W. 113<sup>th</sup> Place, it is alleged that Officer A poured bleach on Complainant Subject 1, in violation of Rules 1, 2, 8, &amp; 9.</p> <p>5. On July 30, 2015, at approximately 7:15 am at XXXX W. 113<sup>th</sup> Place, it is alleged that Officer A referred to Complainant Subject 1 in derogatory terms, threatened to kill her, and placed her in fear of receiving bodily harm, in violation of Rules 1, 2, 8, &amp; 9.</p> <p>6. On various unknown dates and locations since 1998, it is alleged that Officer A physically abused Complainant Subject 1, in violation of Rules 1, 2, 8, &amp; 9.</p> <p>7. On various unknown dates and locations since 1998, it is alleged that Officer A verbally abused Complainant Subject 1., in violation of Rules 1, 2, 8, &amp; 9.</p>	<b>UNFOUNDED</b>
		<b>NOT SUSTAINED</b>

#### **IV. APPLICABLE RULES AND LAWS**

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**Rules** – the following acts are prohibited:

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1. Rule 1: Violation of any law or ordinance.
  2. Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
  3. Rule 8: Disrespect or maltreatment of any person, while on or off duty.
  4. Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.
  5. Rule 38: Unlawful or unnecessary use or display of a weapon.
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**State Laws**

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1. 720 ILCS 5/12-1: Assault
  2. 720 ILCS 5/12-2: Aggravated Assault
  3. 750 ILCS 60: Illinois Domestic Violence Act of 1986.
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**City Ordinances**

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1. Municipal Code of Chicago, 2-78.
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**V. INVESTIGATION<sup>3</sup>****a. Interviews****1. Subject 1 – Complainant<sup>4</sup>**

On August 3, 2015, IPRA interviewed Complainant Subject 1. The following is a summary of her account of the multiple incidents that allegedly occurred between her and her former partner, Officer A. Subject 1's interview gave rise to the allegations above.

Subject 1 and Officer A lived together for around 18 years<sup>5</sup>, and they share one daughter, Civilian 1. Subject 1 has additional older children, including another daughter, Civilian 2.

Around June of 2011, during an argument between Subject 1 and Officer A, he pushed her. The push caused Subject 1 to fall down the front stairs of their home and to break her ankle.<sup>6</sup>

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<sup>3</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>4</sup> Att. 20 (audio interview).

<sup>5</sup> Officer A stated that the relationship ended in December of 2013.

<sup>6</sup> Subject 1 stated that she sought medical treatment at XXX hospital. COPA retrieved Subject 1's medical records from that hospital—with Subject 1's permission—and the record does not show treatment for ankle injuries.

In August of 2012, Subject 1 went out for her birthday with a friend. Upon her return, Officer A grabbed her hair, pulled her down onto the couch, and choked her. In October of 2013, Officer A took out his gun and threateningly waved it around the family. When Subject 1 attempted to call the police, Officer A's mother snatched the phone from her hand. When Subject 1 retrieved the phone, Officer A took out his weapon and pointed it at himself, threatening to commit suicide if Subject 1 called the police.

Sometime in 2013, Officer A instructed a colleague to call a friend with whom Subject 1 was staying and to tell that friend that the couple should reconcile. Officer A's friend harassed Subject 1 and her friend by making multiple calls.

On July 30, 2015, Subject 1 was driving her daughter, Civilian 2, to Officer A's mother's house, because Civilian 2 was to attend a church convention. Officer A's mother lives across the street from Officer A. Subject 1 observed Officer A outside with his dogs snapping pictures. Subject 1's and Officer A's daughter, Civilian 1, had already been present at her grandmother's house that morning. Subject 1 went around the block one time to avoid Officer A, but then stopped the car, got out, and asked him where Civilian 1's competition would be that morning. Officer Subject 1 responded, "Bitch, that's not your business." When Subject 1 insisted that it was her business because Civilian 1 is her daughter too, Officer A profanely instructed her to leave the area before he kills her, and patted his left side where Subject 1 knows he keeps his weapon. Subject 1 did not see the weapon, but Officer A's side was bulky, and Subject 1 knew that he usually carries his weapon.

## **2. Civilian 2 Subject 1 - Witness<sup>7</sup>**

On August 3, 2015, IPRA investigators interviewed Civilian 2, the Complainant's daughter. Civilian 2 was born in XXX of 1996 and at the time of the interview was nineteen years old.

Civilian 2 lived with Officer A even after he and Subject 1 broke up, but had recently moved in with her mother. Civilian 2 had arguments with Officer A, who she felt brought her down; however, he never touched her or threatened her. Officer A and Subject 1 often argued and got into fights where Officer A would hit Subject 1.

Civilian 2 recalled that a few days earlier, on the morning of July 30, 2015, her mother Subject 1 and she were driving near Officer A's neighborhood to pick up belongings from Officer A's mother. Subject 1 exited her vehicle and engaged in a conversation with Officer A. Civilian 2 did not hear the conversation, but witnessed Officer A place his left hand on his hip. Shortly thereafter, Subject 1 and Civilian 2 Subject 1 went to the police station.

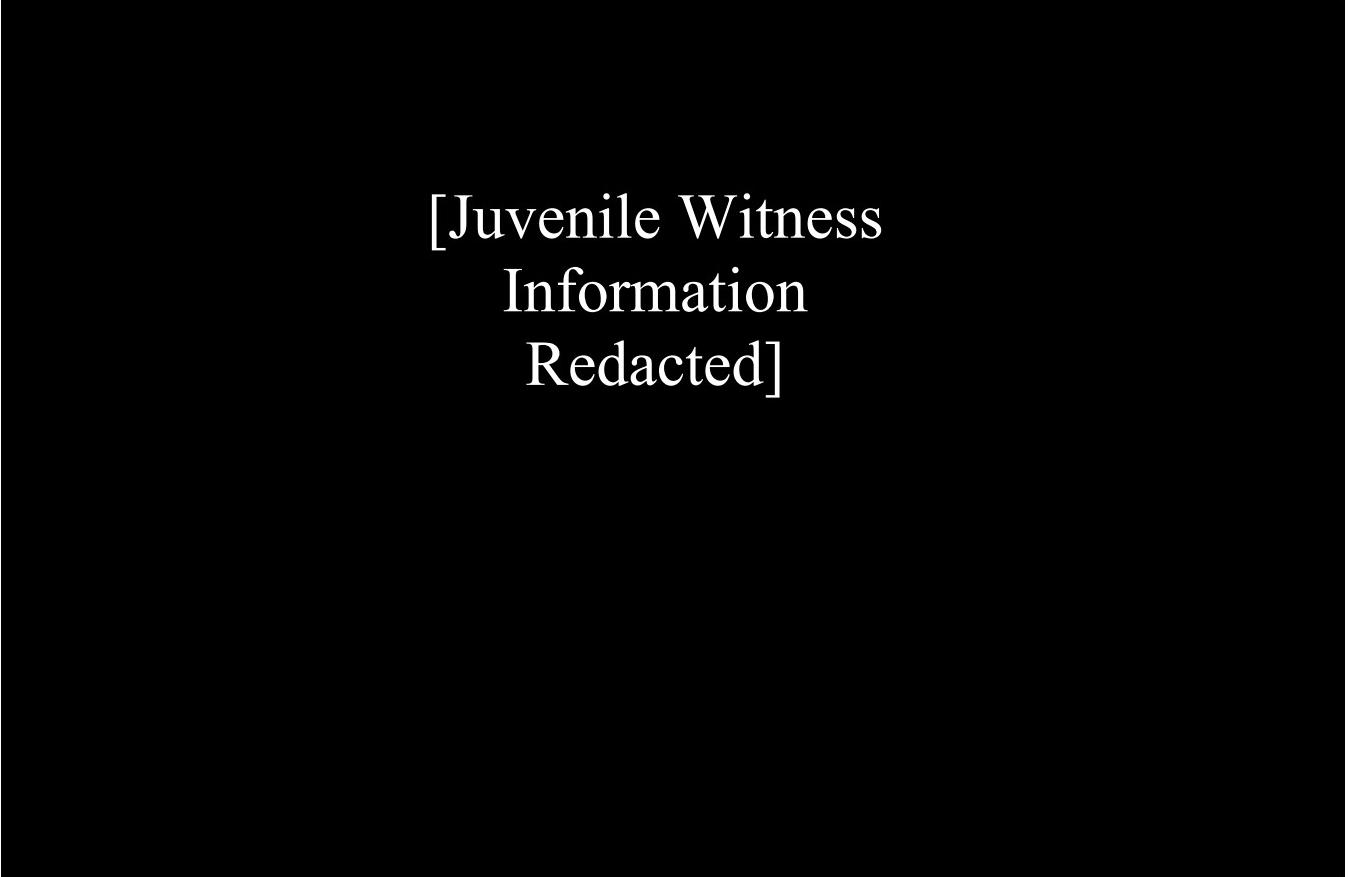
Civilian 2 recalled that two or three years before her interview, Officer A and her mother argued and Officer A held Subject 1 in a "restraining way,"<sup>8</sup> but Subject 1 did not get hurt. Officer A had also once pulled out his gun and threatened to kill himself if Subject 1 called the police, saying he could lose his job.

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<sup>7</sup> Att. 25.

<sup>8</sup> Att. 25, 10:45 – 11:05.

Civilian 2 also recalled a time when her mother sustained a broken ankle. She observed Officer A pushing Subject 1 but did not observe the entire incident and did not witness how Subject 1 sustained her injury. Subject 1 was going to call the police but Officer A's mother threatened her with kicking them out of the house.

**3. Civilian 1 - Witness**

[Juvenile Witness  
Information  
Redacted]

**4. Officer A –Accused**

On May 20, 2016, IPRA investigators interviewed Officer A.<sup>10</sup>

Officer A stated that he and Subject 1 dated from late 1997 until late 2013. They lived together briefly in 1998 and again from 2011-2013.<sup>11</sup> They share one biological daughter, Civilian 1. Subject 1's three kids—Officer A's step-children—from previous relationships, including Civilian 2, also lived with them. Officer A's relationship with Subject 1 at the time of the interview was "non-existent," and he had not talked to her for almost a year, except through lawyers.<sup>12</sup>

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<sup>9</sup> Att. 35, 3:43 – 4:15.

<sup>10</sup> Att. 39.

<sup>11</sup> The timeline of the relationship was not entirely clear, but Officer A was not asked to clarify it.

<sup>12</sup> Att. 39 at 5:37-6:22.

Following his lawyer's advice, Officer A last texted Subject 1 to tell her about the Disneyland vacation plans.

When they were partners, the relationship between Officer A and Subject 1 was "not normal" and "nothing was ever right"; Officer A therefore chose to end the relationship.<sup>13,14</sup>. Their interactions did not consist of give-and-take dialogue, but rather with one of them having his or her way. Subject 1 did not deal well with things not going her way. The reason Officer A stayed so long in the relationship was because he was attached to the children, including the older ones, who he said had no father figure.

Officer A had no knowledge of Subject 1 ever falling or injuring her ankle, and he did not push her down the stairs as she claimed happened in June of 2011. Officer A did not recall an incident in which he pulled Subject 1's hair and choked her in August of 2012; he has never hit Subject 1.

In October of 2013, Officer A did not wave his gun and threaten to commit suicide. In January of 2014, Subject 1 was the one who poured bleach on Officer A, not the other way around. Subject 1 made allegations and got an order of protection against Officer A based on an incident that arose out of Officer A loudly instructing his daughters to put on their rubber boots because of the snow, which are completely different allegations from January 2014.

As for the most recent incident that led to the current complaint, Officer A remembered it well. It happened around 6:40 am on July 30, 2015. Court was scheduled for that day because Subject 1 had not been following the court orders. Officer A was walking his two large dogs, who are generally excited in the morning. Subject 1, who knows Officer A's routine, parked about a block away from his house. Officer A did not want to cross the street because there were people on the other side and they are sometimes afraid of his big dogs, so he passed Subject 1's parked car without saying a word to her.

Officer A attempted to get his phone from his pocket, but could not do so because of his over-active dogs. He wanted to record the interaction out of caution, since Subject 1 had gotten an Order of Protection against him and she might have been up to something. After he passed the car, it drove off, and Officer A went to court, but Subject 1 did not show up. Officer A went to work the following day and IAD informed him that he was stripped of his police powers pending an investigation. Officer A believes Subject 1 did this because if she had showed up to court without an explanation as to why she was not following court orders she would have lost more custody rights. Subject 1 and Officer A had no conversation that day.

Subject 1, on the other hand, was arrested in 2007 during Memorial Day weekend. She had been throwing bottles at Officer A and he called the police. Subject 1 was arrested and was supposed to participate in anger management classes. Officer A did not pursue the case because

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<sup>13</sup> *Id.* at 9:30-55.

<sup>14</sup> Officer A asked Subject 1 to attend couple's counseling, but she refused. He did not want his youngest daughter to live through a toxic relationship like her siblings had, so Officer A decided separation was the best alternative.

Subject 1 is his “daughter’s mother.”<sup>15</sup> On another occasion, Subject 1 had broken Officer A’s glasses and ripped his shirt. She had also put holes in walls and doors.

Officer A stated that he has never verbally abused Subject 1. During arguments, Subject 1 has called him a “[REDACTED]” and Officer A concedes that he has called her a “bitch” and a “[REDACTED]”<sup>16</sup>

Officer A resided with the younger two daughters, Civilian 1 and Civilian 2, even after Subject 1 moved out. Officer A took care of the girls and their needs. Even Officer A’s step-daughter Civilian 2 stayed with him after her mother moved out.

### b. Documentary Evidence

COPA reviewed documents generated by the Chicago Police Department (“CPD”), the Circuit Court of Cook County, and XXX, where Subject 1 sought medical treatment.

#### 1. CPD Reports

The **CPD Original Case Incident Report**<sup>17</sup> dated July 30, 2015, states that Subject 1 walked into the XXX District and relayed that she had a verbal altercation with Officer A during which he used derogatory and vulgar language and threatened her. According to Subject 1, Officer A said, “Bitch, it’s not none of your business; bitch get the [REDACTED] away from here before I kill you.” Officer A then patted the left side of his waist, where Subject 1 believed he had his weapon.

The **CPD Arrest Report**<sup>18</sup> dated July 30, 2015, states that a superior notified Sergeant A of an arrest warrant for Officer A. Sergeant A arrived at XXX, met with Officer A, and transported him to the XXX District for further processing.

#### 2. Court Documents

The court documents and filings include an Arrest Warrant<sup>19</sup>, a Summons<sup>20</sup>, a Petition for Order of Protection<sup>21</sup>, an Emergency Order of Protection<sup>22</sup>, a Misdemeanor Complaint<sup>23</sup>, and a Disposition Information Sheet<sup>24</sup>.

In the **Petition for Order of Protection**, date July 30, 2015, Subject 1 alleges that Officer A threatened her in the same manner she described to police: telling her to get away before he kills her, and putting his hand on his left hip where she knows he carries his weapon. Based on this petition, the Court granted a three-week **Emergency Order of Protection** on the same day,

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<sup>15</sup> *Id.* at 8:20-35.

<sup>16</sup> *Id.* at 22:15-50.

<sup>17</sup> Att. 15.

<sup>18</sup> Att. 14.

<sup>19</sup> Att. 9.

<sup>20</sup> Att. 10.

<sup>21</sup> Att. 11.

<sup>22</sup> Att. 12.

<sup>23</sup> Att. 13.

<sup>24</sup> Att. 29.

ordering Officer A to refrain from abusive or harassing behavior and to stay away from certain locations, including Subject 1's residence and Civilian 2's college (XXX).

The **Misdemeanor Complaint** charges that Officer A committed assault on July 30, 2015, when he verbally and physically threatened Subject 1. The **Disposition Information Sheet** shows that a plenary Order of Protection was issued on August 7 of the same year but that the case was stricken on August 25.

### 3. Medical Records

**Medical Records<sup>25</sup>** obtained by COPA from XXX, where Subject 1 claimed she sought medical treatment for injuries related to the abuse, did not contain information about abuse, a broken ankle, or other injuries that can result from abuse.<sup>26</sup>

## VI. ANALYSIS

Based on a review of the evidence, the allegations against Officer A cannot be sustained. It is more likely than not that the conduct described in allegation one did not occur; therefore, that allegation is unfounded. Meanwhile, there is insufficient evidence to either prove or disprove allegations 2-7; therefore, these allegations are not sustained.

### a. Allegation 1 – Unfounded

Allegation 1 involves Officer A allegedly pushing Subject 1 down the stairs, injuring her ankle. Based on the evidence, it is more likely than not that this claim is not factual.

Subject 1 claimed that she injured her ankle and got treated at XXX. She authorized the hospital to release all records and yet the records did not contain any treatment for ankle injuries. In fact, the earliest documented visits only go as far back as 2014. This discrepancy deems Subject 1's account of the incident unreliable. Officer A denied that he engaged in this conduct and the lack of any supporting documentation—despite Subject 1's assertions to the contrary—makes it more likely than not that the conduct alleged did not occur. Therefore, COPA finds that Allegation 1 is **UNFOUNDED**.

### b. Allegations 2, 3, 4, 5, and 6 – Not Sustained

Allegations 2-6 describe multiple incidents of physical abuse allegedly committed by Officer A against Subject 1. There is insufficient evidence to prove these allegations. For example, while Subject 1 claims that she sought treatment for a broken ankle caused by Officer A pushing her down, the complete medical records make no mention of treatment for ankle injuries. Similarly, there is no evidence that can prove that Officer A grabbed or choked Subject 1, or that he poured bleach on her. Indeed, Officer A himself claims that it was Subject 1 who poured bleach on him. There is also insufficient evidence to disprove the allegation; Officer A's denials and contentions are not enough.

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<sup>25</sup> Att. 40; Att. 41.

<sup>26</sup> For privacy reasons, COPA will not further elaborate on Subject 1's Medical Records.

Civilian 2 seems to support her mother's version of the events, but her testimony is not dispositive. First, she seems biased against her father due to a recent souring in the relationship. The fact that she continued to live with her step-father even after her mother moved out shows that she was comfortable with him. That she moved out after Officer A talked to her about school and jobs illustrates that the relationship was suffering because of what could be considered standard father-daughter conflict. Second, she did not in fact witness any of the complete incidents themselves. For example, she "knew" that her mother sustained a broken ankle, but had not seen the entire incident that may or may not have caused it.

Subject 1's statements and Officer A's denials (and in some instances counterclaims) mean that COPA cannot reach a conclusion of whether it is more likely than not that the allegations did or did not occur. Accordingly, Allegations 2-6 are **NOT SUSTAINED**.

#### c. Allegation 7 – Not Sustained

Allegation 7 involves Officer A verbally abusing Subject 1 on various unknown dates and locations. Officer A did concede that, when Subject 1 and he argued, they sometimes referred to each other in derogatory language. However, such language does not rise to the level of domestic violence or abuse.

The COPA Ordinance<sup>27</sup> defines domestic violence other than physical abuse as "harassment, stalking, intimidation or violations of orders of protection (or similar court orders) involving a sworn officer's family or household member."<sup>28</sup> Similarly, the Illinois Domestic Violence Act defines non-physical abuse as "harassment, intimidation of a dependent, interference with personal liberty or willful deprivation."<sup>29</sup>

The COPA Ordinance also defines verbal abuse in relevant part as, "the use of oral or written remarks that are overtly insulting, mocking or belittling" based on the receiving person's actual or perceived characteristics, such as race, color, and gender.<sup>30</sup>

A couple calling each other names during an argument does not rise to the level of verbal abuse or domestic violence, as defined in state or municipal law. Accordingly, the one act Officer A admits to committing is not one that results in a sustained allegation. Although Officer A's admission to calling Subject 1 a "██████████" can conceivably be viewed as based on Subject 1's race, such a conclusion is unlikely in this case because Officer A and Subject 1 are both African-Americans. Like the allegations above, the rest of the alleged verbal abuse cannot be proven or disproven.

Because Officer A's derogatory comments do not rise to the level of verbal abuse, and because no other incidents can be proven or disproven, Allegation 7 is **NOT SUSTAINED**.

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<sup>27</sup> Municipal Code of Chicago (MCC), 2-78.

<sup>28</sup> MCC, 2-78-100.

<sup>29</sup> 750 ILCS 60/103(1).

<sup>30</sup> MCC, 2-78-100.

## VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Officer A	1. On an unknown date, time, and location in June 2011, it is alleged that Officer A pushed Complainant Subject 1 and caused her to fall down a flight of stairs.	<b>UNFOUNDED</b>
	2. On August 11, 2012, at an unknown time at XXXX W. 113 <sup>th</sup> place, it is alleged that Officer A grabbed, pulled by the hair, and choked Complainant Subject 1.	<b>NOT SUSTAINED</b>
	3. On October 20, 2013, at approximately 3:45 am at XXXX W. 113 <sup>th</sup> Place, it is alleged that Officer A waved his gun in the direction of family members & threatened to commit suicide.	<b>NOT SUSTAINED</b>
	4. On January 5, 2014, at approximately 1:45 pm at XXXX W. 113 <sup>th</sup> Place, it is alleged that Officer A poured bleach on Complainant Subject 1.	<b>NOT SUSTAINED</b>
	5. On July 30, 2015, at approximately 7:15 am at XXXX W. 113 <sup>th</sup> Place, it is alleged that Officer A referred to Complainant Subject 1 in derogatory terms, threatened to kill her, and placed her in fear of receiving bodily harm.	<b>NOT SUSTAINED</b>
	6. On various unknown dates and locations since 1998, it is alleged that Officer A physically abused Complainant Subject 1.	<b>NOT SUSTAINED</b>
	7. On various unknown dates and locations since 1998, it is alleged that Officer A verbally abused Complainant Subject 1.	<b>NOT SUSTAINED</b>

Approved:

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Acting Deputy Chief Administrator – Chief Investigator      Date  
A

*Acting Deputy Chief Administrator – Chief Investigator*

**Appendix A**

## Assigned Investigative Staff

<b>Squad#:</b>	XX
<b>Investigator:</b>	Investigator A
<b>Supervising Investigator:</b>	Supervising Investigator A
<b>Acting Deputy Chief Administrator:</b>	Acting Deputy Chief Administrator – Chief Investigator A